

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

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| Date of mailing (date/month/year) | 20 January 2005 (20-01-2005) |
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|---|---|
| Applicant's or agent's file reference 3894-001 PCT | FOR FURTHER ACTION See paragraph 2 below |
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|---|---|---|
| International application no PCT/CA2004/001630 | International filing date (date/month/year) 03 September 2004 (03-09-2004) | Priority date (date/month/year) 05 September 2003 (05-09-2003) |
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| International Patent Classification (IPC) or both national classification and IPC A45D-29/00; A45D-29/17 |
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| Applicant KEOGH, ELEANOR |
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1. This opinion contains indications relating to the following items :

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| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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| Name and mailing address of the ISA/ Commissioner of Patents Canadian Patent Office Box PCT, Ottawa/Gatineau K1A 0C9 | Authorized officer Heather Scott (819) 953-0767 |
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/001630

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language ___, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | None | YES |
| | Claims | 1-20 | NO |
| Inventive step (IS) | Claims | None | YES |
| | Claims | 1-20 | NO |
| Industrial applicability (IA) | Claims | 1-20 | YES |
| | Claims | None | NO |

2. Citations and explanations :

The attention is drawn to the following document:

D1: US 6,575,171

1. Novelty

The subject matter of claims 1-20 do not meet the requirements of Article 33(2) PCT. D1 discloses a container (400) comprising a nail polish removing solution compartment (50), an opening slot (20, see fig. 12) capable of receiving a portion of a foot to be cleansed or treated in a lateral manner and a sponge (25) which is in contact with the nail polish removing solution (fig. 1). The container (400) also comprises a ledge (15, col. 3, lines 45-51) for resting the user's foot, a cover (131) for sealing the nail polish removing solution compartment (50) against a loss of the solution. The nail polish solution is transferred from the solution compartment (50) to the sponge by a pump (55). The nail polish removing solution is uniformly absorbed in the sponge by a combination of agitation, caused by the rotating action of the sponge, and capillary action. D1 clearly discloses container "feet", such as those shown in figure 2, which may act as non skid features. D1 does not specifically disclose what type of material the container is made from, however, a person skilled in the art would assume that plastic would be used.

2. Industrial Applicability

The claimed subject matter of claims 1-20 is considered to be industrially applicable and thus fulfilling the requirements of Article 33(4) PCT.